

## **REMARKS**

Claims 7-24 are pending in the present application. Claims 9, 12, 15, 18, 21, and 24 have been cancelled. Thus, the Examiner's objections are moot. The following rejections are at issue:

1. Claims 7-24 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite;
2. Claims 8-9, 11-12, 14-15, 17-18, 20-21, and 23-24 are rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement;
3. Claims 8-9, 11-12, 14-15, 17-18, 20-21, and 23-24 are rejected for obviousness type double patenting.

Applicant notes that all amendments and cancellations of Claims presented herein are made without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG),<sup>1</sup> and without waiving the right to prosecute the amended or cancelled Claims (or similar Claims) in the future.

### **1. The Claims are definite**

Claims 7-24 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. Applicants have amended the claims as suggested by the Examiner. Accordingly, this rejection should be withdrawn.

### **2. The Claims are supported by an adequate written description**

Claims 8-9, 11-12, 14-15, 17-18, 20-21, and 23-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Applicants disagree. Methods for making esters and triglycerides from the claimed fatty acid compositions were known in the art at the time of the filing of the instant application. The novelty is supplied by the fatty acid composition. Where components of an invention are known in the prior art, the written description requirement does not require that those components be repeated in the specification. Falkner v. Inglis, 448 F.3d 1357; 79 U.S.P.Q.2D (BNA) 1001 (Fed. Cir. 2006). Nevertheless, Applicants have cancelled certain dependent claims and amended the remaining dependent

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<sup>1</sup> 65 Fed. Reg. 54603 (Sept. 8, 2000).

claims to refer to methylesters, which the Examiner has admitted are taught in the specification. Office Action, p. 6.

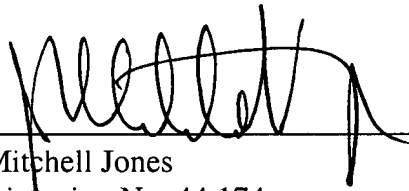
**3. Double patenting**

Terminal disclaimers are being submitted herewith for Appl. No. 10/623,825 and 6,333,353.

**Conclusion**

All grounds of rejection and objection of the Office Action of January 29, 2007 having been addressed, reconsideration of the application is respectfully requested. It is respectfully submitted that the invention as claimed fully meets all requirements and that the claims are worthy of allowance. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, Applicant encourages the Examiner to call the undersigned collect at (608) 218-6900.

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